

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,)	CASE NO. 3:21-cr-210
)	
Plaintiff,)	
)	JUDGE: JAMES R. KNEPP
vs.)	MAGISTRATE JUDGE: THOMAS PARKER
)	
CHRISTOPHER BALLARD,)	
)	<u>MOTION TO PRESERVE PHYSICAL</u>
)	<u>AUDIO AND VISUAL EVIDENCE</u>
Defendant.)	
)	

Now comes the Defendant, Christopher Ballard, by and through undersigned counsel, and hereby moves this Honorable Court to issue an Order instructing the United States of America to preserve any and all physical, audio, video, electronic and/or digital evidence pertaining to the above-referenced matter.

Respectfully Submitted,

/s/ Brad S. Wolfe

BRAD S. WOLFE (0096423)
Attorneys for Defendant
Friedman & Nemecek, L.L.C.
1360 East 9th Street, Suite 650
Cleveland, OH 44114
Ph. (216) 928-7700
E-Mail: bsw@fanlegal.com

MEMORANDUM IN SUPPORT

The Due Process Clause of the Fourteenth Amendment to the United States Constitution protects a criminal defendant from being convicted where the State fails to preserve materially exculpatory evidence or destroys in bad faith potentially useful material. *Arizona v. Youngblood*, 488 U.S. 51 (1988). To be materially exculpatory, “evidence must both possess an exculpatory value that was apparent before the evidence was destroyed, and be of such a nature that the Defendant would be unable to obtain comparable evidence by other reasonably available means. *California v. Trombetta*, 467 U.S. 479, 489 (1984).

Upon information and belief, there is discoverable material that was produced and/or generated in connection with this incident, including, but not limited to dash camera recordings, body camera recordings, mobile data transmissions, and/or telephone records/recordings. In light of the significance that said evidence has on the issues in this case, the undersigned respectfully submits that an Order of preservation is necessary and appropriate.

Respectfully Submitted,

/s/ Brad S. Wolfe

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion to Preserve Evidence was filed on the 8th day of April, 2021, by CM/ECF, which will send a notification of electronic filing (NEF) to the following: Assistant United States Attorney, 801 Superior Avenue, W., Cleveland, OH 44113.

/s/ Brad S. Wolfe
BRAD S. WOLFE (0096423)